



NOVEMBER 8, 2004

USPTO
MAILSTOP (PETITIONS & OED)
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

WWW.USPTO.GOV

PERSONAL & CONFIDENTIAL

RE: GRIEVANCE OF DAVID P. LHOTA, ESQ. (REG. NO. 39,275)
FILE NO. C2004-87

• COMMISSIONER OF PATENT & TRADEMARKS

- **PCT/US01/18658; APPN #: 09/877729; PROV. #: 60/210, 300.**

*****REQUESTING EMERGENCY CONSIDERATION

**PETITION; FOR SUSPENSION OF RULES REGARDING UTILITY
PATENT APPLICATION.**

DEAR: DIRECTOR OR DIRECTOR'S DESIGNEE;

THIS LETTER IS TO SERVE AS A PETITION FOR THE SUSPENSION OF RULES REGARDING THE PCT & UTILITY PATENT APPLICATION, (DATES & FEES).

THIS WOULD INCLUDE TOLLING OF PAST AND PRESENT APPLICABLE DATES FOR SUBMISSION AND FEE PAYMENT UNTIL THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE HAS MADE A CONCLUSION REGARDING THE DISPOSITION OF THE ABOVE REFERENCE DISCIPLINARY MATTER REFERRED TO UNDER (FILE NO. C2004-87).

THIS PETITION IS VALID BECAUSE OF AN INJUSTICE THAT HAS OCCURRED IN THE PROSECUTION OF THE TWO APPLICATIONS BY THE ATTORNEY AND LAW FIRM OF RECORD AT THE TIME OF FILING (PLEASE REFERENCE THE EVIDENCE FROM THE FILE C2004-87).

THIS PETITION IS BEING MADE PURSUANT TO CONSOLIDATED PATENT RULE § 1.183 SUSPENSION OF RULES; WHICH STATES:

- “In an extraordinary situation, when justice requires, any requirement of the regulations of this part which is not a requirement of the statutes may be suspended or waived by the Commissioner or the Commissioner's

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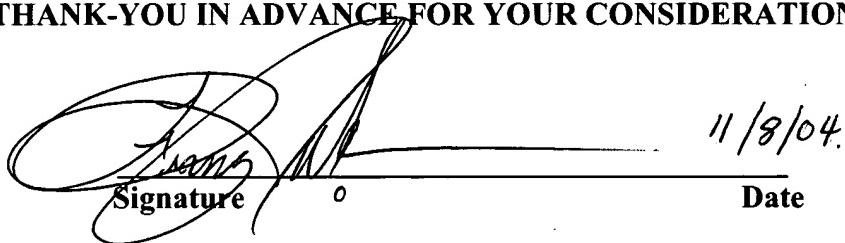
designee, sua sponte, or on petition of any party, including the Director or the Director's representative, subject to such other requirements as may be imposed."

ALTHOUGH THE FEE PURSUANT TO § 1.17(H) HAS BEEN INCLUDED I, INVENTOR, FRANZ A. WAKEFIELD IS CERTIFIED TO BE AN INDIGENT PERSON PURSUANT TO THE CAPITOL OF FLORIDA; SECTION 57.081, FLORIDA STATUTES (SEE ATTACHED CERTIFIED CERTIFICATE). IF THE DIRECTOR OR THE DIRECTOR'S DESIGNEE DECIDES THAT FOR THE FOREGOING REASONS THE \$130 FEE IS NOT NEEDED, KINDLY RETURN THE \$ 130 INCLUDED IN THIS MAILING.

PLEASE CONSIDER THIS PETITION AS THE FOLLOWING:

- 1. PETITION OF SUSPENSION OF RULES FOR UTILITY & PCT APPLICATIONS (PURSUANT TO § 1.183)**
- 2. APPEAL OF RIGHTS (PURSUANT TO 37 CFR § 11.2 (C))OF OED DECISION (BASED ON § 10.170)**

THANK-YOU IN ADVANCE FOR YOUR CONSIDERATION,



The image shows a handwritten signature in black ink, which appears to be "Franz Antonio Wakefield", written over a solid horizontal line. To the left of the line, the word "Signature" is printed in a small, sans-serif font. To the right of the line, the date "11/8/04" is written in a cursive script, followed by the word "Date" in a smaller sans-serif font.

**MR. FRANZ ANTONIO WAKEFIELD
PRESIDENT & CHIEF PRODUCT DESIGN ENGINEER
COOLTVNEWTORK.COM™, INC.
17731 North West 14th Court
Miami, Florida 33169
Voice: 305 + 624.3282
FranzWakefield@hotmail.com**

CC: MAILSTOP OED, & MAILSTOP PETITIONS



STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FRANZ A. WAKEFIELD,)
Petitioner,)
vs.) Case No.
Respondent.)

I hereby certify that this
document is a true and
correct copy.

By: Ann Cole
Date: 10-8-04
CLERK'S OFFICE, DIVISION OF
ADMINISTRATIVE HEARINGS

CERTIFICATE OF INDIGENCE

On April 12, 2004, Petitioner filed a declaration of indigency. Inasmuch as the Petitioner appears to be indigent, Petitioner is hereby certified as being entitled to receive the services of the courts, sheriffs, and clerks of the State with respect to these proceedings and may proceed without payment of costs, as authorized by Section 57.081, Florida Statutes.

This 13th day of April, 2004, in Tallahassee, Leon County, Florida.

Ann Cole

ANN COLE, Clerk of the Division
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675 SUNCOM 278-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 13th day of April, 2004.

COPIES FURNISHED:

Franz A. Wakefield
17731 Northwest 14th Court
Miami, Florida 33169



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AN ACT **Commissioner for
Treaties & Trade Marks
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